

65 - INDEPENDENT AGENCIES - REGULATORY

407 - PUBLIC UTILITIES COMMISSION

CHAPTER 520 - UNSCHEDULED TOUR, CHARTER AND WATER TAXI SERVICES IN CASCO BAY

SUMMARY: This rule establishes provisions governing unscheduled tours, charters and water taxi services in accordance with 35-A M.R.S.A. § 5101-E.

1. PURPOSE AND SCOPE

This rule establishes requirements and limitations for the provision of tour, charter and water taxi services between the mainland of Cumberland County and Peaks Island, Great Diamond Island, Little Diamond Island, Long Island, Chebeague Island, or Cliff Island or between the islands mentioned above, which comprise the franchise of the Casco Bay Island Transit District and others as defined in 35-A M.R.S.A. § 5101.

2. DEFINITIONS

- A. Charter Provider. "Charter Provider" means a person or entity that provides a Charter Service.
- B. Charter Service. "Charter Service" means passenger service that is provided, pursuant to contract, to a single person, entity or group for an unscheduled round trip in Casco Bay that:
 - i . originates on the mainland and stops at one or more point(s) on any of the Regulated Islands, or
 - ii . originates on one of the Regulated Islands and stops at one or more point(s) on the mainland or any of the other Regulated Islands;
- C. Ferry Provider. "Ferry Provider" means a person or entity that provides a Ferry Service.
- D. Ferry Service. "Ferry Service" means any transportation service of passengers and/or freight in Casco Bay stopping at one or more of the Regulated Islands that is not a Charter Service, a Tour Service, or a Water Taxi Service.
- E. Operator. "Operator" means a person or entity that provides a Charter Service, Ferry Service, Tour Service, or Water Taxi Service.

- F. Passenger service. "Passenger Service" means waterborne transportation that is provided to passengers and their accompanying hand luggage.
- G. Regulated Islands. "Regulated Islands" means the islands in Casco Bay of Chebeague, Cliff, Great Diamond, Little Diamond, Long, and Peaks.
- H. Tour Provider. "Tour Provider" means a person or entity that provides a Tour Service.
- I. Tour Service. "Tour Service" means a trip in Casco Bay which originates on the mainland or one of the regulated islands but does not stop at any of the Regulated Islands or the mainland other than the point of origination.
- J. Unscheduled. "Unscheduled" means service that is provided on-demand, not pursuant to any published or announced schedule, and not as a part of a pattern of an Operator or Operators in providing transportation at a regular or preset frequency.
- K. Water Taxi Provider. "Water Taxi Provider" means any person or entity that provides a Water Taxi Service.
- L. Water Taxi Service. "Water Taxi Service" means an on-demand, unscheduled, one-way passenger service in Casco Bay that stops at one or more of the Regulated Islands and that is provided for six or fewer passengers.

3. AUTHORIZATION REQUIRED

- A. Tour Service. Tour Service as defined by this rule is not subject to regulation by the Commission under 35-A M.R.S.A. § 5101 et seq. and, therefore, no authorization from the Commission is required to provide a Tour Service.
- B. Charter Service or Water Taxi Service. No person shall provide any Charter Service or Water Taxi Service without first obtaining authorization from the Commission.
 - i. All requests for authorization shall be made in accordance with Sections 2 and 3(A)(1) of Chapter 510 of the Commission Rules.

- ii. Copies of all application materials and tariffs shall be mailed to the Casco Bay Island Transit District, ("CBITD") at the same time they are filed with the Commission. Each application filed with the Commission shall be accompanied by a certificate stating that a complete copy has been mailed to CBITD.
 - iii. Authorization shall be granted by the Commission if the authorization requested is for Charter Service or Water Taxi Service as defined by this rule.
 - iv. No hearing shall be held on such application unless an objection is filed within two weeks of the filing of the application which demonstrates a substantial need for a hearing, which requirement may be satisfied by a prima facie showing that the actual service to be provided will differ from the authorization requested.
- C. Ferry Providers. If service for which authorization is requested is not Charter Service or Water Taxi Service as defined by this rule, the application shall be treated as an application for authorization as a Ferry Provider under Title 35-A, M.R.S.A. § 5101 et seq. and this rule shall not be applicable.

4. LIMITATIONS ON AND REQUIREMENTS FOR THE PROVISION OF CHARTER SERVICE

- A. Tickets and Individual Fares. A Charter Provider may not sell individual tickets or charge individual fares for any charter trip.
- B. Disembarkment. If the passengers of a Charter Provider disembark on any of the Regulated Islands, the Charter Provider shall
- 1. remain with the passengers and provide return service;
 - 2. return to pick up its Charter Service passengers who disembark on any of the Regulated Islands;
 - 3. provide only one way service and contract with the Casco Bay Island Transit District (CBITD) or another Charter Provider to have the CBITD or the other Charter Provider provide passenger return service; or
 - 4. return to pick up its charter service passengers but, if the charter has a contract with the CBITD that provides an allowance for a

certain number of passengers to return with the CBITD ferry, the charter provider may provide its passengers with the option to return with the ferry.

- C. Record keeping. Charter Providers shall maintain records of inbound and

5. LIMITATIONS ON THE PROVISION OF WATER TAXI SERVICE

- A. Flat Rate. Water Taxi Service shall be provided at a flat rate based on the distance between the origination and termination points, regardless of whether the vessel carries fewer than the maximum allowable number of passengers as provided in section 2(L) of this rule and regardless of whether the trip is inbound or outbound.
- B. Filing Requirement. A water taxi provider shall file at the Commission, for informational purposes only, any changes in its rates. These rate schedules are not subject to Commission approval.

6. WAIVER

Upon the request of any persons subject to this Chapter or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission, the Director of Technical Analysis, or the presiding officer assigned to a proceeding related to this Chapter may grant this waiver.

BASIS STATEMENT: The factual and policy basis for this rule is set forth in the Commission's Statement of Factual and Policy Basis and Order Adopting rule, Commission Docket No. 99-208 issued on September 2, 1999. Copies of this Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 242 State Street, State House Station #18, Augusta, Maine 04333-0018.

AUTHORITY: 35-A M.R.S.A. § 5101-E.

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on _____. It was filed with the Secretary of State on _____ and will be effective on _____.